

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 17 2006

at 4 o'clock and 20 min. PM
SUE BEITIA, CLERK

Attorney for George and Tumata Tadeo

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

ALLSTATE INSURANCE,

Plaintiff,

vs.

MARK DANIEL DAVIS, et al.

Defendants.

CIVIL NO. 04-CV-418

INTERVENORS' CONCISE
STATEMENT OF FACTS;
DECLARATION OF JOY A. SAN
BUENAVENTURA; EXHIBITS
"A- F"; CERTIFICATE OF
SERVICE.

Hearing: January 30, 2006

Time: 10:30 a.m.

Judge: Hnr. Alan C. Kay

INTERVENORS' CONCISE STATEMENT OF FACTS

Pursuant to Local Rule 56.1(b) of the United States District Court of the District of Hawaii, Intervenor GEORGE and TUMATA TADEO, by and through their attorney, JOY A. SAN BUENAVENTURA, hereby state as follows:

1. Intervenor do not dispute Plaintiff's Separate Concise Statement of Undisputed Facts in Support of Motion for Summary Judgment except for Undisputed Fact 5

where the Criss Declaration refers to a policy issued to the Davis defendants and not to the Tadeos.

2. Intervenor wish to supplement the Concise Statement of Facts with the following:

<u>Fact</u>	Evidentiary Support
1. Discovery in the Underlying Tort case filed in the Third Circuit Court as Civil No. 03-1-260 is not completed.	Declaration of Joy A. San Buenaventura
2. Mark Davis, Jr. was 14 at the time of the incident.	Exhibits A & F to the Declaration of Joy A. San Buenaventura
3. Mark Davis, Jr. was arrested with what appears to be marijuana.	Exhibit C to the Declaration of Joy A. San Buenaventura
4. There are allegations from a tenant of Mark Daniel Davis and Ellen Pearl Davis and their children occupied mainly one bedroom of their house and the sexualized banter and behavior among the father and Mark Davis, Jr.	Exhibit E to the Declaration of Joy A. San Buenaventura
6. Ellen Pearl Davis has not responded to requests for admissions requesting admission to being informed by the school of at least 2 incidents of sexual harassment by Mark Davis, Jr. on girls as early as 1/26/01	Exhibit B to the Declaration of Joy A. San Buenaventura
8. The result of the search warrant at the home of Mark Davis, Jr., Mark	Exhibit D to the Declaration of Joy A. San Buenaventura

Daniel Davis and Ellen Pearl Davis included marijuana and video pornography and their location.	
9. Mark Davis, Jr. has denied his culpability to the police and his mother.	Exhibits A & F to the Declaration of Joy A. San Buenaventura
10. Ellen Pearl Davis denies any knowledge of Mark Davis, Jr. actions in the underlying tort	Exhibit A to the Declaration of Joy A. San Buenaventura

DATED: Hilo, Hawaii, January 12, 2006.



JOY A. SAN BUENAVENTURA